

REMARKS

The Office Action dated July 26, 2005, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claim 33 is amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter is added. Claims 33-42 are pending in the present application and are respectfully submitted for consideration.

Claims 33-39 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over European Patent Document No. EP 0 739 147 (Ishida) in view of European Patent Document No. EP 0 758 175 A (Ikeda). The Office Action again took the position that Ishida taught all the elements of claims 33-39 except that the data is in packet format and the network is a packet-switched network. The Office Action then alleged that Ikeda cured the deficiencies in Ishida, and took the position that it would have been obvious to combine Ishida and Ikeda to yield the claimed invention. Applicants respectfully submit that the cited references of Ishida and Ikeda, either alone or in combination, fail to disclose or suggest all the features of any of the presently pending claims.

Claim 33, upon which claims 34-39 are dependent, recites a voice mail server for a cellular network. The voice mail server includes a receiving means for receiving an incoming voice mail message. The voice mail server also includes an adapting means for adapting the voice mail message into a format suitable for transmission by a network

channel which does not meet a delay requirement for delay-sensitive information. The voice mail server also includes a transmission means for directly dispatching the adapted voice mail message to a mobile station after receiving the incoming voice mail message and adapting the voice mail message. The adapting means includes a packetising means for packetising the voice mail message into data packets suitable for packet-switched transmission. The voice mail server comprises a single unit.

Examples of the present invention allow a voice mail message to be dispatched directly to the mobile station, after the voice mail message is received by a standalone voice mail server. Thus, the situation can be avoided where the user has to poll a service center by calling into the center in order to receive the message. Instead of dispatching a message via a short message service, examples of the present invention may directly dispatch an adapted voice mail message to the mobile station and store the message to avoid calling a service center to have the message delivered. The present invention implements a highly efficient "almost real-time" voice message delivery wherein the voice mail server actively tries to deliver the voice mail messages to the recipient terminal, thereby eliminating a need for any type of query by the recipient.

Efficient delivery according to the invention can be achieved without meeting the delay requirements which are typically required for normal voice tracking, as the voice mail server itself includes the adapting MEMS. Applicants respectfully submit that the cited references of Ishida and Ikeda fail to disclose or suggest all the features of any of

the presently pending claims. Therefore, the cited references fail to provide the critical and unobvious advantages discussed above.

Ishida relates to a mobile communication system having a message-storing function. Ishida describes that if a mobile station 20 does not respond; a network stores a message, and notifies mobile station 20 of the presence of the message. The mobile station 20 requests the transfer of the message when accessible. Referring to Figure 2 of Ishida, voice mail server 30 includes a message compressor 34 for adapting a voice mail message into a format suitable for transmission. Mobile station 20 also is shown as having an answering machine 50. Answering machine 50 is shown in greater detail in Figure 6 of Ishida and includes a decompressor 52 and memory 51. Mobile station 20 also includes a speaker 65 to reproduce the received message. The compression of messages which is discussed in Ishida appears to have been interpreted in the Office Action as a form of adaptation. However, the compression in Ishida cannot be considered to be comparable to the adapting means of the present invention since the compression in Ishida introduces further delay caused by compression and decompression steps. The teachings of Ishida are direct to a “compress-store-query-forward” approach, which would be understood by a person of skill in the art as inevitably introducing delays.

In Ikeda, a voice mail message is fact dispatched to a mobile station. However, the context in Ikeda is completely unrelated to the present invention, and it would be

inappropriate, therefore, to attempt to combine Ikeda and Ishida in any way so as to yield the claimed invention.

Furthermore, referring to Figure 9 of Ikeda, it can be seen that packet line controller 50 dispatches a voice mail message to communication terminal 4 in step S426. However, the processes illustrated in Figure 9 begins with step S400, in which a voice line controller 20 issues a communication terminal state request upon receiving voice incoming signal with respect to communication terminal 4. See, for example, column 21, lines 34 through 39 of Ikeda. The voice line controller of Ikeda is, for example, part of voice communication switching center 2. Packet line controller 50 is part of a packet communication switching center 5; it is clear to a person skilled in the art that these are two separate entities.

In other words, Ikeda seeks to regulate parallel communication events on the voice and data channels when the primary voice channel is busy and delivers voice messages on the data channel. This is explained in the abstract of Ikeda, and is discussed in column 1, lines 44-55, and elsewhere therein. A person with skill in the art, therefore, would understand that the communication switching system and method of Ikeda is completely different in structure and function from the present invention.

Ishida, as discussed above, is directed to a compression based voice message system which is based upon well-know end-user query triggered message delivery. A person of skill in the art, therefore, has no motivation to combine these two references in any way in an effort to develop an efficient dispatching system and method according to

the present invention. Furthermore, if such a combination were to be made (not admitted), there would be no disclosure nor suggestion of any system having the elements of the claimed invention, which provides direct dispatching of voice messages. As discussed previously, Ikeda is directed to converting voice mail to be transmitted via packet communication methods. However, there is no disclosure nor suggestion in Ishida of any direct dispatch voice mail message system. In summary, therefore, applicant's submit that this rejection of claims 33-42 is improper, and request that this rejection be withdrawn.

Claims 40-42 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ishida in view of Ikeda, and further in view of U.S. Patent No. 6,091,947 (Sumner). The Office Action took the view that Ishida and Ikeda taught all the elements of these claims except "to disclose telling the MS that a message is still waiting to be dispatched." Sumner was cited as allegedly providing those elements missing from Ishida and Ikeda. Applicants respectfully submit that the cited references, either alone or in combination, fail to disclose or suggest all the features of any of the presently pending claims.

Claim 40, upon which claim 41 is dependent, is indirectly dependent on claim 33. Applicants submit that claim 40 includes the features of claim 33, but also recites that, if it is found that a storage means of the mobile station is unable to store all voice mail messages waiting at the voice mail server at one time or if it is found that the voice mail message exceeds a predefined size, the voice mail server is adapted to dispatch another

message to the mobile station indicating that further voice mail messages or a remainder of the large voice mail message are still waiting to be dispatched.

Claim 42 also is indirectly dependent on claim 33. Applicants submit that claim 42 includes the features of claim 33, but also recites that the voice mail server is adapted to transmit a special message to the mobile station if a voice mail message is not dispatchable within a predetermined amount of time.

As discussed in Applicant's response filed on April 6, 2005, Sumner relates to a method and apparatus for accepting and conveying a voice mail message to a mobile unit in a wireless telephone system. Sumner describes a wireless telephone messaging system that determines when link performance is inadequate to provide a live connection and re-directs the call to voice mail. Referring to Figure 5 of Sumner, voice mail delivery is shown that is subsequent to accepting voice mail when voice mail is detected to be present in the queue for delivery. In step 502, the base unit signals the handset to test the link and optionally supply voice mail information, such as length, time-stamp, and priority. The handset measures the test signal in step 503. A decision is made in step 505, if the handset reply is not received, to re-queue the message for delivery and to wait an appropriate period of time. The priority of sending the message can be altered accordingly. In step 507, the user may dispose of the call by forcing it to archive and not having it delivered to the handset based on the voice mail information supplied.

Applicants submit that Sumner, either alone and/or in combination with Ishida and/or Ikeda, fails to disclose or suggest a transmission means for directly dispatching the

adapted voice mail message to a mobile station after receiving the incoming voice mail message. Similarly, there is no disclosure nor suggestion of a standalone voice mail server element as recited in the present claims. As discussed above, these features are not disclosed or suggest by Ishida and/or Ikeda. Sumner sends voice mail information, but not the voice mail message, to the handset. Based on the information, Sumner describes altering or changing the message delivery queue at the base. Sumner fails to disclose or suggest directly dispatching the voice mail message. Instead, Sumner forwards the voice mail message after indication by the user and subsequent to forwarding voice mail information. The voice mail message is only forwarded after it is requested by the user and in an order set at the base. Thus, Sumner fails to disclose or suggest directly dispatching the voice mail message to the mobile station.

Further, claims 40-42 depend directly or indirectly from claim 33. As discussed above, the cited references fail to disclose or suggest all the features of claim 33. If an independent claim is nonobvious, then any claim depending therefrom is nonobvious (MPEP 2143.03). Because of their dependence from claim 33, applicants submit that claims 40-42 also are nonobvious. Thus, applicants respectfully request that the obviousness rejection of claims 40-42 be withdrawn.

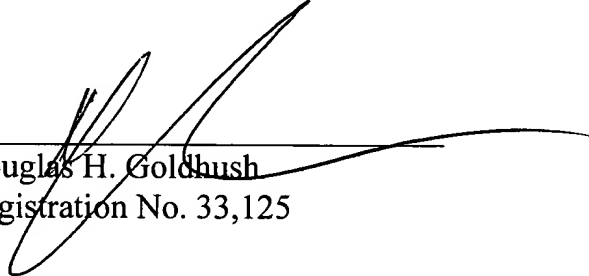
In view of the above, Applicants respectfully submit that each of claims 33-42 recite subject matter which is neither disclosed nor suggested in the prior art. Applicants submit that this subject matter is more than sufficient to render the claimed invention

unobvious to a person skilled in the art. Applicants respectfully request that claims 33-42 be allowed, and this application pass to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



Douglas H. Goldhush
Registration No. 33,125

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

DHG:kmp

Enclosures: Two-Month Petition for Extension of Time
RCE Transmittal
Request for Corrected Filing Receipt
Marked-up Copy of Filing Receipt
Check No. 13811